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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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14 RAY LaHOOD, Secretary of the  
15 U.S. Department of Transportation,

16 Plaintiff,

17 vs.

18 TIERRA SANTA, INC., a  
California corporation; and  
19 CAYETANO MARTINEZ, an  
individual,  
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21 Defendants.  
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Case No: CV10 1659 SJO

AJWx

[PROPOSED] ORDER ON  
CONSENT DECREE

25 Having reviewed the terms of the Consent Decree entered between Plaintiff  
26 Ray LaHood, Secretary of the U.S. Department of Transportation ("the Secretary"),  
27 and Cayetano Martinez ("Martinez") and Tierra Santa, Inc., along with its  
28 shareholders, owners, officers, and members (collectively "Tierra Santa," and with

1 Martinez, "Defendants"), for the purpose of resolving the issues raised between the  
2 Secretary and the Defendants by the above-captioned case, and good cause appearing,  
3 it is hereby ORDERED, ADJUDICATED and DECREED as follows:

4 1. Martinez and Tierra Santa, their officers, agents, servants, employees,  
5 and attorneys, and persons with whom they are in active concert or participation, are  
6 enjoined from operating any commercial motor vehicle in interstate or foreign  
7 commerce that requires operating authority registration in accordance with 49 U.S.C.  
8 § 13901 unless and until Martinez or Tierra Santa obtain valid operating authority  
9 from FMCSA. Martinez and Tierra Santa are further enjoined from contracting with  
10 or arranging for additional transportation of passengers unless the contracted motor  
11 carrier possesses valid operating authority registration from the Federal Motor Carrier  
12 Safety Administration ("FMCSA").

13 2. This Consent Decree resolves only the Secretary's claims for declaratory  
14 or injunctive relief in the above-captioned action and is without prejudice to any  
15 rights the Secretary has against Defendants with respect to matters not expressly  
16 provided for herein. This Consent Decree does not resolve any other past, present,  
17 or future disputes between the Parties, including but not limited to proceedings for  
18 civil penalties for violations of Federal motor carrier statutes<sup>t</sup> and regulations, and does  
19 not restrict the Secretary from taking any future action pursuant to his lawful  
20 authority to enforce Federal motor carrier statutes and regulations. K

21 3. This Consent Decree is binding upon the Parties as of the date it is  
22 signed by the Parties.

23 4. This Consent Decree becomes an Order of the Court on the date it is  
24 approved.

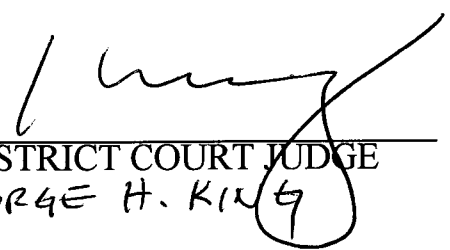
25 5. If any provision of this Consent Decree is determined to be invalid or  
26 unenforceable for any reason, then such provision shall be treated as severed from the  
27 remainder of the Consent Decree and shall not affect the validity and enforceability  
28 of any of its other provisions, as long as such severance does not materially change

1 the Parties' rights and obligations.

2 6. This Court shall retain jurisdiction over this matter for the purpose of  
3 interpreting and enforcing the terms of this Consent Decree.

4 7. Each of the Parties to this Consent Decree shall bear its <sup>his</sup> own fees and *1K*  
5 costs.

6  
7 DATED: 3/6/10  
8 3:29 pm

  
9 U.S. DISTRICT COURT JUDGE  
10 GEORGE H. KING  
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